

## **CHILD CARE CENTER LICENSING COMMITTEE MEETING MINUTES**

14 January 2016  
Highland Plaza Building, Room 306  
3760 South Highland Drive  
Salt Lake City, UT

**Members Present:** Deborah Lynne Tilley, Genevieve Romero, Naysla Anderson, Scott Smith, and Julie H. Shakib.

**Members Excused:** Becky Lageschulte, and Dale Smith.

**Members Absent:** None.

**Department of Health and Child Care Licensing Staff Present:** Marc E. Babitz, Teresa Whiting, Simon Bolivar, Carolyn Christensen, Karrie Phillips, Jessica Strout, Kim Rice, Joyce Hasting, Sarah Atherton, Kathleen Sanders, Donna Thomas, JoLene Holbrook, and Austin Roy.

### **WELCOME**

Ms. Tilley welcomed those members of the committee and the public who were in attendance. Meeting commenced at 9:00 a.m.

### **APPROVAL OF MINUTES**

Minutes from the November meeting were approved with the discussed corrections.

### **OLD BUSINESS**

#### **Follow-up on Assignments**

- Simon
  - Added the committee newsletter to the CCL web page.
  - Drafted a new rule for the mixed age group of older toddlers and 2-year-old children and emailed it to the committee members for comment.
    - Simon explained the mixed age groups chart to the committee.
    - It was clarified that you cannot mix after you have 4 toddlers, because this is a group.
    - Committee approved to have the new mixed age group rule sent for rulemaking.
  - Drafted a new rule for the group size for the mixed age group of older toddlers and 2-year old children and emailed it to the committee members for comments.

- Edited and/or deleted any current rules that contradict the new rules and sent those revisions to the committee members for comment.
- All information that Child Care Licensing sends out via post cards (green cards) is to also be sent via email moving forward.

## **NEW BUSINESS**

### **Public Comments Received**

- AHA Comments to R430
  - Simon explained that these were comments received from the American Heart Association, but not directly related to the rules being processed.
  - The AHA comments were briefly introduced to the committee, but it was decided that it would be better to address these comments at a future date, possibly after the federal food program institutes upcoming changes.
  - Document covers various issues, including: recommendation to make water available at all times, limiting juice and sugary drinks, and limiting screen time (all electronic devices, not just TV).
  - Deborah expressed concerns about the need to have water containers at all times, and what it means to “make water available at all times”.
- CACFP Rule on Water Consumption
  - Document was presented, but committee decided to discuss this item at the next meeting since it was not related to the proposed rule changes.
- Public Comments
  - Regarding a comment made about blankets being assigned to each child, the interpretation mentions other alternatives (sheets, matts, etc.). This will be further clarified in the Interpretation Manual to explain that alternatives should be available only to older children.
  - School age is 5 years and older. A comment was received regarding supervision when going to the bathroom, and a room with 3 toilets. It was clarified that 5 year olds can go to the bathroom alone and are to be given privacy.
  - Simon reviewed the rule changes that had been part of the public comment period, including: a question from the public regarding training at one facility and then moving to another facility; the need to have at least one person who speaks the language of the children; the requirement for providers to have a copy of background screening cards for all caregivers; the addition of e-juices to the list of smoking devices; the requirement that a blanket or alternative shall be made available; and the CPSC crib standards.
  - Following the review of public comments, the committee voted and approved to make the rule changes effective. Committee approved rule changes.

### **New Interpretation Manual – Joyce Hasting**

- Joyce reviewed the changes that have been made to the interpretation manual. Copies to be provider once the rule changes have been approved.
- The interpretation manual features a new heading called “assessment”, which describes how a rule should be assessed and enforced.

- Joyce clarified the areas that will be assessed. Assessed is defined as inspecting an area accessible to children.
  - Locked rooms are only quickly viewed (peek through the door) to see if there are illegal items or children hidden inside.
  - Deborah expressed concern about the private office at her facility, and the requirement for licensors to have access to it at both announced and unannounced inspections. She feels that the security of the private documents and information in her office is at risk if licensing requires the staff of her facility to have keys to the private office.
  - Joyce explained that, in general, licensing will inspect all rooms in a facility. However, depending on the facility setting, a private office may be inspected in different ways and only the director or an authorized individual will have to have keys.
- The outdoor play area, and equipment, is to be assessed at announced inspections.
- Definitions
  - A “flat surface” is now defined as a horizontal surface.
  - The definition of Mary-go-rounds has been redefined to include a wider range of equipment.
- Flaking paint on a wall is to be assessed per areas of the wall.
- Whenever a city has rules/regulations that are stricter than those of CCL, providers must comply according to the stricter rules.
- Fences are to be measured from the side that children play on.
- Tetherballs are not considered a strangulation hazard.
- Standing water is not defined as a naturally occurring puddle on the ground, but as water that is collected in items on the premises.
- When there is grass growing into cushioning affecting it, then the cushioning will no longer be considered cushioning.
- Whenever 2 types of cushioning are used, the stricter one is to be assessed.
- If someone is required to have 12 inches of cushioning, they will not be written up as long as they have over 9 inches, at least nine inches will be good enough.
- Emergency phone numbers need to be posted in a conspicuous spot.
- Clarified that First Responders are CPR trained.
- Health assessments must be signed on the same side.
- Toilet paper not accessible from a toilet is a level 3 finding.
- Frozen breast milk is considered prepared once it comes out of the freezer.
- All Interpretation Manual updates have been highlighted in green.
- Interpretation Manual to be updated with the suggested changes from the committee, and will be posted on the website once the rules have been approved.

### **New Proposed Rule Changes**

The committee voted and approved the new proposed rule changes.

- Pre-service training topics to be aligned with the new CCDF requirements.
  - “Orientation” will now be referred to as, or called “pre-service training”.
  - The term “pre-service” has been added to definitions.

- At least 2.5 hours of pre-service training is required. OCC is creating a small class that covers all topics, and the training can be taken online, in person, or through a packet.
- It is now federal requirement that every caregiver has to take all topics.
  - Training will only be 2.5 hours.
  - Caregivers and providers spend the time they want on each topic, so long as all topics are covered.
- Annual training topics to be aligned with the new CCDF requirements.
  - In order to be in compliance with annual training requirements, providers and caregivers will be required to complete annual training forms.
    - By using these forms, training requirements can be updated as needed, without the need for a rule change.
    - As part of the new proposed rule changes, some rules have been crossed out; this is not because we are getting rid of the rules, but so that licensing can ask for things in a similar way through the training forms.
    - A completed form will mean you are in compliance with all topics.
    - Compliance to the training forms will be required by September of this year (it is advised to check compliance to the topics by the end of August, so as to be in compliance by September; those found to be out of compliance by September will not receive money from OCC).
    - The September deadline only applies to the topics, not the amount of hours.
    - Licensing is aiming to have the forms ready by March 1, 2016.
    - Compliance with training topics will be assessed annually.
    - Forms will be made available both physically (paper) and online. In the meantime the old single page forms can be still be used.
- Emergency and disaster plan and policies and procedures to be aligned with the new CCDF requirements.
  - Providers now only need to submit department approved policies and procedures and emergency disaster plans. Other procedures will be consolidated with the department approved ones.
- Director qualifications
  - NAC: In an attempt to make it easier for providers to get NAC training, training can now come from various sources (no longer required to be trained by NCCA).
- Definition of Provider
  - The term “provider” has been redefined as the licensee or entity that owns the center. Other child care staff to be defined as “caregivers”.
  - Wording has been altered to make it more in line with the federal language and terminology.
  - The term volunteer has been clarified in the rules and it is now better defined.

### **Five Years of Inspection Results for Public Access**

- The Federal Office of Child Care is now requiring all findings from the past 5 years to be posted online. All cited and substantiated findings are public record. Previously, only the last 2 years of findings were posted online, but now that range has been widened to 5

years. As far as the types of findings being posted, nothing has changed; the only difference from before is that a broader range of time is being posted online.

- Exempt providers and new providers will only have one year of records (not 5 years like other facilities) being displayed because they have no past records.
  - When someone searches for a provider's records, there will be language used to clarify that some providers have not been around as long as other providers, and thus there are not 5 years of records to pull.
- Deaths and accidents to be included.
  - Accidents are only to be reported if medical attention is required (these are the only types of accidents that will show on a providers record).
- No rules have changed; only procedural changes.

## **AGENCY AND COMMITTEE REPORTS**

### **Child Care Licensing – Simon Bolivar**

- **New Manager**
  - The South Region Manager, Karrie Phillips, has left the Child Care Licensing program to go work for the Office of Child Care. She is being replaced internally by Kimberly Rice, who has served as a licenser in the Child Care Licensing North Region. Congratulations Kim.
- The Rule Interpretation Manual update has been delayed this year due to the fact that we are in the midst of rule changes that will impact the content of the manual. Thus, in order to have a more up-to-date manual, licensing has decided to delay the rollout of the new Interpretation Manual.

### **Care About Childcare – Jo Ellen Robbins**

- **New Childcare Law:**
  - Care About Childcare is currently working on interpreting the new childcare law and regulations that were signed into place by President Obama.
  - Public comment period is currently open for the OCC plan for the new Childcare Law and Regulations, and hearings will be held on January 29, 2016 at the OCC offices for those wishing to make comment. Also, comments can be submitted via online.

## **PUBLIC COMMENT**

It was announced that the Child Care Licensing website will be changing soon, and will feature a new interface look.

A home provider came to propose a rule change, and was invited to comment in the Advisory Committee Meeting.

Regarding Preservice Training: Directors have been removed from the list of those who are required to participate in the Preservice Training (new directors are already being trained on the same topics through the New Director Training).

**Ms. Tilley adjourned the meeting at 11:00 a.m.**

## **ASSIGNMENTS**

### **Joyce Hasting**

- Add the term “pre-service” to definitions in the Interpretation Manual.

## **UPCOMING SCHEDULE 2016**

**March 10, 2016**

**May 12, 2016**

**July 14, 2016**

**September 8, 2016**

**November 10, 2016**

Highland Plaza Building  
3760 S. Highland Dr.  
Salt Lake City, UT  
3<sup>rd</sup> Floor Auditorium  
9:00 a.m. to 11:00 a.m.

Anyone with a disability requiring accommodations to attend or fully participate in this program should contact Austin Roy at (801) 273-2904 or via email at [aroy@utah.gov](mailto:aroy@utah.gov) to request reasonable accommodations.